

HONORABLE ROBERT S. LASNIK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRUCE KEITHLY, DONOVAN LEE,
and EDITH ANNA CRAMER,
Individually and on Behalf of all Other
Similarly Situated,

Plaintiffs,

vs.

INTELIOUS INC., A Delaware
Corporation; and INTELIOUS SALES
COMPANY LLC, A Nevada Limited
Liability Company,

Defendants.

Case No. C09-1485-RSL

DECLARATION OF CHRISTOPHER
WION IN SUPPORT OF
DEFENDANTS' MOTION FOR (1)
TEMPORARY STAY OF DISCOVERY
AND (2) CONDITIONAL REQUEST
FOR BIFURCATION OF DISCOVERY

Noted: Friday, May 7, 2010

I, Christopher Wion, swear under penalty of perjury under the laws of the State of Washington to the following:

1. I am counsel of record to Defendants in the above captioned action, am over age 18, and competent to be a witness. I am making this declaration based on facts within my own personal knowledge and in support of Defendants' Motion for (1) Temporary Stay of Discovery and (2) Conditional Request for Bifurcation of Discovery.

2. On April 19, 2010, I called Plaintiffs' counsel, Karin Swope, to request an extension of the time for Intelius to respond to Plaintiffs' First Set of Requests for Production of Documents to Defendants ("Plaintiffs' First RFPs"), at least until after a ruling on Intelius'

DECL OF WION IN SUPPORT OF DEF'S
MOTION FOR (1) TEMPORARY STAY OF
DISCOVERY AND (2) CONDITIONAL REQ
FOR BIFURCATION OF DISCOVERY - 1

LAW OFFICES
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1 pending Motion to Dismiss. In a second call later that afternoon, Ms. Swope declined the
 2 request for an extension.

3 3. Attached as Exhibit 1 is a true and correct copy of Plaintiffs' First RFPs, dated
 4 March 26, 2010.

5 4. Attached as Exhibit 2 is a true and correct copy of an April 21, 2010 letter that I
 6 sent to Ms. Swope.

7 5. Attached hereto as Exhibit 3 is a true and correct copy of an email exchange I
 8 had with Plaintiffs' counsel, Ms. Swope and Mark Griffin, spanning the dates April 21 to April
 9 28.

10 6. On April 23, in a conference call with Ms. Swope and Mr. Griffin to discuss the
 11 issues raised in my letter of April 21, Plaintiffs' counsel declined Intelius' request for a
 12 temporary stay and bifurcated discovery. Instead, they proposed (a) to extend the deadline for
 13 Intelius' response to Plaintiffs' First RFPs by 30 days, but only if (b) Intelius were to promptly
 14 produce (i) all documents it has provided to the Washington State Attorney General in
 15 connection with any inquiry relating to post-transaction marketing and (ii) all documents
 16 produced to the plaintiffs in *Baxter v. Intelius, et al.*, a case against Intelius and Adaptive
 17 pending in the Central District of California under Case No. 8:09-cv-01031-AG MLG (and
 18 which pre-dates the instant case by approximately two months). Under the proposal, Plaintiffs
 19 retained the right to pursue each RFP at the end of the 30-day extension, without any
 20 allowance for the pendency of Intelius' Motion to Dismiss or any distinction between
 21 discovery on certification issues and discovery on the merits.

22 7. Attached as Exhibit 4 is a true and correct copy of Intelius' Objections and
 23 Responses to Plaintiffs' First RFPs, dated April 28, 2010.

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 DECL OF WION IN SUPPORT OF DEF'S
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 FOR BIFURCATION OF DISCOVERY - 2

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1 8. Attached as Exhibit 5 is a true and correct copy of a signed Order dated
2 February 25, 2009 in *Vistaprint Corp. Marketing and Sales Practices Litigation*, MDL 4:08-
3 md-1994, USDC, Southern District of Texas, Houston Division.

4 DATED this 28th day of April, 2010 in Seattle, Washington.

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6 CHRISTOPHER WION
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DECL OF WION IN SUPPORT OF DEF'S
MOTION FOR (1) TEMPORARY STAY OF
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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of April, 2010, I served a true and correct copy of the foregoing document on the following individuals:

Attorney for Plaintiffs

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